

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KATHLEEN MARIE HEBERT**  
801 2<sup>nd</sup> Street, #408  
Santa Monica, CA 90403

Registered Nurse License No. 395656  
Public Health Nurse Certificate No. 82323

Respondent

Case No. 2012-544

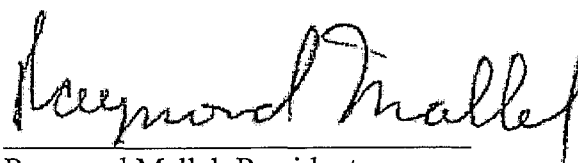
OAH No. L-2012040714

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 4, 2013.**

IT IS SO ORDERED **December 7, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804  
E-mail: Cristina.Felix@doj.ca.gov  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **KATHLEEN MARIE HEBERT**  
801 2nd Street #408  
13 Santa Monica, CA 90403  
14 Registered Nurse License No. 395656  
Public Health Nurse Certificate No. 82323  
15  
16 Respondent.

Case No. 2012-544

OAH No. L-2012040714

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Cristina Felix,  
24 Deputy Attorney General.

25 2. Respondent Kathleen Marie Hebert (Respondent) is represented in this proceeding by  
26 attorney Cathleen Demant, Esq., whose address is:

27 ///

28 003265 50 8715-01

1 Goyette & Associates, Inc.  
2 2366 Gold Meadow Way, Suite 200  
3 Gold River, CA 95670.

4 3. On or about March 31, 1986, the Board of Registered Nursing issued Registered  
5 Nurse License No. 395656 to Kathleen Marie Hebert (Respondent). The Registered Nurse  
6 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
7 2012-544 and will expire on March 31, 2014, unless renewed. On or about January 17, 2012, the  
8 Board issued Public Health Nurse Certificate No. 82323 to Respondent. The Public Health  
9 Nurse Certificate was in full force and effect at all times relevant to the charges brought in  
10 Accusation No. 2012-544 and will expire on March 31, 2014, unless renewed.

11 JURISDICTION

12 4. Accusation No. 2012-544 was filed before the Board of Registered Nursing (Board),  
13 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
14 and all other statutorily required documents were properly served on Respondent on March 12,  
15 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

16 5. A copy of Accusation No. 2012-544 is attached as exhibit A and incorporated herein  
17 by reference.

18 ADVISEMENT AND WAIVERS

19 6. Respondent has carefully read, fully discussed with counsel, and understands the  
20 charges and allegations in Accusation No. 2012-544. Respondent has also carefully read, fully  
21 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
22 Order.

23 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
24 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
25 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
26 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
27 compel the attendance of witnesses and the production of documents; the right to reconsideration  
28 and court review of an adverse decision; and all other rights accorded by the California  
Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-544.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 395656 and Public Health Nurse Certificate No. 82323 issued to Respondent Kathleen Marie Hebert (Respondent) are revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

1       Upon successful completion of probation, Respondent's license shall be fully restored.

2       3.   **Report in Person.** Respondent, during the period of probation, shall appear in  
3 person at interviews/meetings as directed by the Board or its designated representatives.

4       4.   **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
5 practice as a registered nurse outside of California shall not apply toward a reduction of this  
6 probation time period. Respondent's probation is tolled, if and when she resides outside of  
7 California. Respondent must provide written notice to the Board within 15 days of any change of  
8 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
9 returning to practice in this state.

10       Respondent shall provide a list of all states and territories where she has ever been licensed  
11 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
12 information regarding the status of each license and any changes in such license status during the  
13 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
14 license during the term of probation.

15       5.   **Submit Written Reports.** Respondent, during the period of probation, shall submit  
16 or cause to be submitted such written reports/declarations and verification of actions under  
17 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
18 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
19 Respondent shall immediately execute all release of information forms as may be required by the  
20 Board or its representatives.

21       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
22 state and territory in which she has a registered nurse license.

23       6.   **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
24 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
25 6 consecutive months or as determined by the Board.

26       For purposes of compliance with the section, "engage in the practice of registered nursing"  
27 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
28 non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice nursing  
2 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

3 If Respondent has not complied with this condition during the probationary term, and  
4 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
6 extension of Respondent's probation period up to one year without further hearing in order to  
7 comply with this condition. During the one year extension, all original conditions of probation  
8 shall apply.

9 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
10 prior approval from the Board before commencing or continuing any employment, paid or  
11 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
12 performance evaluations and other employment related reports as a registered nurse upon request  
13 of the Board.

14 Respondent shall provide a copy of this Decision to her employer and immediate  
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
17 (72) hours after she obtains any nursing or other health care related employment. Respondent  
18 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
19 separated, regardless of cause, from any nursing, or other health care related employment with a  
20 full explanation of the circumstances surrounding the termination or separation.

21 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
22 Respondent's level of supervision and/or collaboration before commencing or continuing any  
23 employment as a registered nurse, or education and training that includes patient care.

24 Respondent shall practice only under the direct supervision of a registered nurse in good  
25 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
26 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
27 approved.

28 ///

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined



1 worksite(s) and shall not work in a float capacity.

2 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
3 request documentation to determine whether there should be restrictions on the hours of work.

4 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
5 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
6 months prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
8 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
9 above required course(s). The Board shall return the original documents to Respondent after  
10 photocopying them for its records.

11 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
12 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
13 amount of \$3,790,00. Respondent shall be permitted to pay these costs in a payment plan  
14 approved by the Board, with payments to be completed no later than three months prior to the end  
15 of the probation term.

16 If Respondent has not complied with this condition during the probationary term, and  
17 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
18 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
19 extension of Respondent's probation period up to one year without further hearing in order to  
20 comply with this condition. During the one year extension, all original conditions of probation  
21 will apply.

22 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
23 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
24 and impose the stayed discipline (revocation/suspension) of Respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has been  
26 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
27 an accusation or petition to revoke probation against Respondent's license, the probationary  
28 period shall automatically be extended and shall not expire until the accusation or petition has

1 been acted upon by the Board.

2       13. **License Surrender.** During Respondent's term of probation, if she ceases practicing  
3 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
4 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
5 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
6 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
7 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
8 subject to the conditions of probation.

9       Surrender of Respondent's license shall be considered a disciplinary action and shall  
10 become a part of Respondent's license history with the Board. A registered nurse whose license  
11 has been surrendered may petition the Board for reinstatement no sooner than the following  
12 minimum periods from the effective date of the disciplinary decision:

13       (1) Two years for reinstatement of a license that was surrendered for any reason other  
14 than a mental or physical illness; or

15       (2) One year for a license surrendered for a mental or physical illness.

16       14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
17 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
18 assistant, who is approved by the Board before the assessment is performed, submit an  
19 assessment of the Respondent's physical condition and capability to perform the duties of a  
20 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
21 medically determined, a recommended treatment program will be instituted and followed by the  
22 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
23 to the Board on forms provided by the Board.

24       If Respondent is determined to be unable to practice safely as a registered nurse, the  
25 licensed physician, nurse practitioner, or physician assistant making this determination shall  
26 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
27 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
28 immediately cease practice and shall not resume practice until notified by the Board. During this

1 period of suspension, Respondent shall not engage in any practice for which a license issued by  
2 the Board is required until the Board has notified Respondent that a medical determination  
3 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
4 of this probationary time period.

5 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
6 requirement, Respondent shall immediately cease practice and shall not resume practice until  
7 notified by the Board. This period of suspension will not apply to the reduction of this  
8 probationary time period. The Board may waive or postpone this suspension only if significant,  
9 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
10 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
11 Only one such waiver or extension may be permitted.

12 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

13 Respondent, at her expense, shall successfully complete during the probationary period or shall  
14 have successfully completed prior to commencement of probation a Board-approved  
15 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
16 submitted by the program on forms provided by the Board. If Respondent has not completed a  
17 Board-approved treatment/rehabilitation program prior to commencement of probation,  
18 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
19 If a program is not successfully completed within the first nine months of probation, the Board  
20 shall consider Respondent in violation of probation.

21 Based on Board recommendation, each week Respondent shall be required to attend at least  
22 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
23 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
24 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
25 added. Respondent shall submit dated and signed documentation confirming such attendance to  
26 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
27 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
28 and/or other ongoing recovery groups.

1           16.   **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
2 completely abstain from the possession, injection or consumption by any route of all controlled  
3 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
4 are ordered by a health care professional legally authorized to do so as part of documented  
5 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
6 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
7 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
8 longer be required, and the effect on the recovery plan, if appropriate.

9           Respondent shall identify for the Board a single physician, nurse practitioner or physician  
10 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
11 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
12 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
13 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
14 considered addictive have been prescribed, the report shall identify a program for the time limited  
15 use of any such substances.

16           The Board may require the single coordinating physician, nurse practitioner, or physician  
17 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
18 medicine.

19           17.   **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
20 random, biological fluid testing or a drug screening program which the Board approves. The  
21 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
22 for keeping the Board informed of Respondent's current telephone number at all times.  
23 Respondent shall also ensure that messages may be left at the telephone number when she is not  
24 available and ensure that reports are submitted directly by the testing agency to the Board, as  
25 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
26 program and Respondent shall be considered in violation of probation.

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28

1 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
2 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
3 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
4 hypnotics, dangerous drugs, or other controlled substances.

5 If Respondent has a positive drug screen for any substance not legally authorized and not  
6 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
7 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
8 practice pending the final decision on the petition to revoke probation or the accusation. This  
9 period of suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to participate in a random, biological fluid testing or drug screening  
11 program within the specified time frame, Respondent shall immediately cease practice and shall  
12 not resume practice until notified by the Board. After taking into account documented evidence  
13 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
14 suspend Respondent from practice pending the final decision on the petition to revoke probation  
15 or the accusation. This period of suspension will not apply to the reduction of this probationary  
16 time period.

17 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
18 of this Decision, have a mental health examination including psychological testing as appropriate  
19 to determine her capability to perform the duties of a registered nurse. The examination will be  
20 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
21 the Board. The examining mental health practitioner will submit a written report of that  
22 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
23 Recommendations for treatment, therapy or counseling made as a result of the mental health  
24 examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse, the  
26 licensed mental health care practitioner making this determination shall immediately notify the  
27 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
28 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease

1 practice and may not resume practice until notified by the Board. During this period of  
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
3 is required, until the Board has notified Respondent that a mental health determination permits  
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
5 probationary time period.


6 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
7 requirement, Respondent shall immediately cease practice and shall not resume practice until  
8 notified by the Board. This period of suspension will not apply to the reduction of this  
9 probationary time period. The Board may waive or postpone this suspension only if significant,  
10 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
11 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
12 Only one such waiver or extension may be permitted.

13 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
14 an on-going counseling program until such time as the Board releases her from this requirement  
15 and only upon the recommendation of the counselor. Written progress reports from the counselor  
16 will be required at various intervals.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
19 discussed it with my attorney, Cathleen Demant, Esq. I understand the stipulation and the effect  
20 it will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
21 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
22 Decision and Order of the Board of Registered Nursing.

23  
24 DATED: 9/11/12


  
KATHLEEN MARIE HEBERT  
Respondent

26 ///

27 ///

1 I have read and fully discussed with Respondent Kathleen Marie Hebert the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content.

4 DATED: 9/11/12

  
Kathleen Demant, Esq.  
Attorney for Respondent

6 ENDORSEMENT

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
8 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
9 Affairs.

10 Dated:

Respectfully submitted,

11 KAMALA D. HARRIS  
12 Attorney General of California  
13 GREGORY J. SALUTE  
14 Supervising Deputy Attorney General

15 CRISTINA FELIX  
16 Deputy Attorney General  
17 *Attorneys for Complainant*

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1 I have read and fully discussed with Respondent Kathleen Marie Hebert the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content,

4 DATED: \_\_\_\_\_

Cathleen Demant, Esq.  
Attorney for Respondent


6 ENDORSEMENT

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
8 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
9 Affairs.

10 Dated: 09/12/2012

Respectfully submitted,

11 KAMALA D. HARRIS  
12 Attorney General of California  
13 GREGORY J. SALUTE  
14 Supervising Deputy Attorney General

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16 CRISTINA FELIX  
17 Deputy Attorney General  
18 Attorneys for Complainant

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FILED 10 2013 01 14



**Exhibit A**

**Accusation No. 2012-544**

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-544**

13 **KATHLEEN MARIE HEBERT**  
801 2nd Street #408  
Santa Monica, CA 90403

**A C C U S A T I O N**

14 Registered Nurse License No. 395656  
15 Public Health Nurse Certificate No. 82323

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs (Board).

22 2. On or about March 31, 1986, the Board issued Registered Nurse License No. 395656  
23 to Kathleen Marie Hebert (Respondent). The Registered Nurse License was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on March 31, 2014,  
25 unless renewed. On or about January 17, 2012, the Board issued Public Health Nurse Certificate  
26 No. 82323 to Respondent. The Public Health Nurse Certificate will expire on March 31, 2014.  
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1 (a) Unprofessional conduct, which includes, but is not limited to, the following:

2 .....

3 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
4 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
5 conclusive evidence thereof.”

6 8. Section 2762 states, in pertinent part:

7 "In addition to other acts constituting unprofessional conduct within the meaning of this  
8 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
9 chapter to do any of the following:

10 .....

11 (b) Use any controlled substance as defined in Division 10 (commencing with Section  
12 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
13 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
14 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
15 ability to conduct with safety to the public the practice authorized by his or her license.

16 (c) Be convicted of a criminal offense involving the prescription, consumption, or  
17 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
18 or the possession of, or falsification of a record pertaining to, the substances described in  
19 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
20 thereof.”

21 **REGULATORY PROVISIONS**

22 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

23 “A conviction or act shall be considered to be substantially related to the qualifications,  
24 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
25 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
26 safety, or welfare.”

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1 that she drank a lot. In addition, Respondent admitted that she had a drinking problem and was  
2 on her way to check-in at rehab. Throughout the investigation, Respondent was irritated and  
3 belligerent. Respondent stated: "I work at St. Johns Hospital and you better not hope that you  
4 ever go there for treatment because if we do I will make sure that you do not receive treatment  
5 and die." During booking at approximately 2350 hours, over two hours after police officers  
6 arrived at the scene, Respondent submitted to a breath test that resulted in a breath-alcohol level  
7 of 0.12%. At approximately 2352 hours, Respondent submitted to a second breath test that  
8 resulted in a breath-alcohol level of 0.13%.  
9

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcoholic Beverages)**

12 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), as  
13 defined in section 2762, subdivision (b), in that Respondent used alcoholic beverages to an extent  
14 or in a manner dangerous or injurious to herself, another person, or the public, as follows:

15 a. On or about June 17, 2010, Respondent drove a vehicle while having approximately  
16 0.13%, by weight, of alcohol in her blood. Complainant refers to, and by this reference  
17 incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

18 b. In or about early June 2010, Respondent was taken to UCLA Medical Center  
19 (UCLA), in Los Angeles, CA, by Carole C. (C.C.), a friend of Respondent's and part-time  
20 roommate. She was admitted to UCLA for severe depression and alcohol abuse. Respondent  
21 became severely depressed, was unable to function, turned to alcohol, and indicated to C.C. that  
22 she wanted to die. She was placed on a 72 hour hold for being a danger to herself and was  
23 released on or about June 16, 2010.

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25 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Involving the Consumption of Alcohol)**

3 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as  
4 defined in section 2762, subdivision (c), in that on or about September 3, 2010, Respondent was  
5 convicted of a crime involving the consumption of alcohol. Complainant refers to, and by this  
6 reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board issue a decision:

10 1. Revoking or suspending Registered Nurse License No. 395656, issued to Kathleen  
11 Marie Hebert;

12 2. Revoking or suspending Public Health Nurse Certificate No. 82323, issued to  
13 Kathleen Marie Hebert;

14 3. Ordering Kathleen Marie Hebert to pay the Board the reasonable costs of the  
15 investigation and enforcement of this case, pursuant to section 125.3;

16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: March 13, 2012

*for* Stacie Ben  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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